

# **JOINT COMMITTEE ON ADMINISTRATIVE RULES**

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:  
SEN. DON HARMON

CO-CHAIR:  
REP. TIM SCHMITZ

EXECUTIVE DIRECTOR:  
VICKI THOMAS



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SEN. PAMELA ALTHOFF  
SEN. TONY MUÑOZ  
SEN. SUE REZIN  
SEN. DALE A. RIGHTER  
SEN. IRA SILVERSTEIN  
REP. GREG HARRIS  
REP. LOU LANG  
REP. DAVID R. LEITCH  
REP. DONALD L. MOFFITT  
REP. ANDRÉ THAPEDI

## **MINUTES**

**December 16, 2014**

### **MEETING CALLED TO ORDER**

The Joint Committee on Administrative Rules met on December 16, 2014 at 11:30 a.m. in Room 600C of the Michael A. Bilandic Building, Chicago, Illinois. Co-Chair Harmon called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. Other persons are encouraged to submit their comments in writing.

### **ATTENDANCE ROLL CALL**

X Senator Pamela Althoff	X Representative Greg Harris
X Senator Don Harmon	X Representative Lou Lang
Senator Tony Muñoz	X Representative David Leitch
X Senator Sue Rezin	X Representative Donald Moffitt
X Senator Dale Righter	X Representative Timothy Schmitz
X Senator Ira Silverstein	X Representative André Thapedi

Senator Harmon noted that this was the last JCAR meeting for JCAR Co-Chair, Representative Tim Schmitz, and expressed gratitude for his service to the Committee.

### **APPROVAL OF THE MINUTES OF THE NOVEMBER 6, 2014 MEETING**

Senator Althoff moved, seconded by Senator Rezin, that the minutes of the November 6, 2014 meeting be approved. The motion passed unanimously.

### **REVIEW OF AGENCY RULEMAKINGS**

***Department of Insurance – Health Carrier External Review (50 Ill. Adm. Code 5430; 38 Ill. Reg. 16596)***

Representative Harris moved, seconded by Representative Lang, that the Second Notice Period for this rulemaking be extended for an additional 45 days so the Department can address outstanding issues raised by commentors. DOI expressed agreement in writing. The motion passed unanimously.

***Pollution Control Board – General Rules (35 Ill. Adm. Code 101; 38 Ill. Reg. 12685)***

Senator Silverstein moved, seconded by Senator Righter, that PCB be more timely in codifying its procedural rules to reflect changes in Board practice. PCB has been operating the Clerk's Office On-Line (COOL) file management system since 2005 without codifying those procedures in its rules. The motion passed unanimously.

**AGENCY RESPONSES**

***State Board of Education – Charter Schools (23 Ill. Adm. Code 650; 38 Ill. Reg. 11482)***

***Labor Relations Board – Public Information, Rulemaking and Organization (2 Ill. Adm. Code 2500; 38 Ill. Reg. 19955)***

Due to the appropriateness of the agencies' responses, no further action.

**CONSIDERATION OF OTHER RULEMAKINGS**

***Department of Healthcare and Family Services – Hospital Services (89 Ill. Adm. Code 148; 38 Ill. Reg. 18052)***

Representative Lang moved, seconded by Representative Thapedi, that JCAR object to this rulemaking because it expands Medical Assistance payment to hospitals that are not specifically authorized by statute to receive these payments. The motion passed unanimously.

***Department of Insurance – Unfair Discrimination Based on Sex, Sexual Preference or Marital Status (50 Ill. Adm. Code 2603; 38 Ill. Reg. 17185)***

Representative Leitch moved, seconded by Representative Moffitt, that this rulemaking be removed from the No Objection List because many of the JCAR members believe that the rule implements a policy that should be enacted by law rather than by rule.

The motion passed by a vote of 6-5 (No: Harmon, Silverstein, Harris, Lang, Thapedi; Absent: Muñoz).

***Department of Public Health – Control of Communicable Diseases Code (77 Ill. Adm. Code 690; 38 Ill. Reg. 21954)***

Craig Conover (Senior Medical Advisor and State Epidemiologist, Infectious Disease Division) represented DPH. Senator Righter asked why DPH had opted to use emergency rulemaking.

Dr. Conover stated the emergency rule was designed to provide additional nuance and flexibility to the State's quarantine rules to ensure that persons being monitored for Ebola exposure have the freedom to do things that pose no risk of exposure to others. He used the example of a Maine nurse who, upon her return from Liberia, had defied Maine public health law by taking bicycle rides while she was under quarantine. Dr. Conover voiced DPH's view that this type of restriction is unscientific and could result in healthcare workers refusing to work with Ebola patients. The addition of the term "modified quarantine" provides the Department with a method to tailor a

quarantine to maximize a patient's freedom of action without creating any additional risk of spreading the disease.

Senator Righter thanked Dr. Conover for his work in this area.

### **CERTIFICATION OF NO OBJECTION**

Representative Schmitz moved, seconded by Senator Righter, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection or an Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemakings made by the agencies, no Objections will be issued. The motion passed unanimously.

### **JANUARY MEETING DATE**

Co-Chair Harmon announced that the next monthly meeting of JCAR is scheduled for Tuesday, January 13, 11:00 a.m., in Room A-1, Stratton Office Building, Springfield IL.

### **ADJOURNMENT**

Representative Schmitz moved, seconded by Representative Lang, that the meeting stand adjourned. The motion passed unanimously.

*Min:1214Dec*